

*Criminal Code*

very interesting to note the countries that did abolish it, although, as I say, I believe there were 3 countries that resumed the imposition of capital punishment.

New Zealand abolished capital punishment in 1941; Queensland abolished it in 1922; Sweden in 1910; Portugal in 1886; Switzerland in 1943; Italy in 1899; Cuba in 1940; Argentina in 1922; Brazil in 1891; Colombia in 1910; Ecuador in 1895; Peru in 1897; Mexico in 1929; Costa Rica in 1926 and Honduras in 1926 also.

As was also mentioned by the hon. member for Kamloops, 6 of the states of the United States have abolished capital punishment. This action was not taken in recent years as Michigan abolished capital punishment in 1847; Rhode Island in 1852; Maine in 1876; Minnesota in 1911; North Dakota in 1915 and Wisconsin in 1853.

I have not the recent figures but about five years ago I compared the per capita ratio of murder in the 6 states where capital punishment has been abolished with the average of the other states where it is still imposed. Those figures proved conclusively that in the 6 states of the United States where they had abolished capital punishment there was only half the number of murders on a per capita basis as compared with the other states.

I think the evidence is conclusive from some of the greatest legal minds and penologists in the world that capital punishment is not a deterrent to murder. If we followed through with the line of reasoning of the hon. member who spoke a few minutes ago, that society in Canada has placed its stamp of disapproval on certain acts of man by applying capital punishment, then it would appear to be logical reasoning to assume that we could prevent crime or would have a lesser amount of crime if capital punishment was applied to some of the other activities of criminals.

This does not work out in fact. If it did, then the time in the history of Great Britain when there would have been the least crime would be the nineteenth century. In the nineteenth century there were 240 kinds of offences that were punishable by death, and in the reign of Henry VIII I find there was a total of 72,000 people who died either on the gallows or on the block. Now, if there was a deterrent to crime through the medium of capital punishment then we should have seen it in operation during that time. The facts, however, prove the opposite. They prove that instead of being a deterrent it was actually an encouragement. If we took the statements and examined the records of penologists after an execution they would show that there was an increase in crime. I do feel we should take into very serious consideration the findings of men whose names are very well known to us.

[Mr. Winch.]

I do not think there is a greater authority on penology on the North American continent than Mr. Lewis E. Lawes, who was for many years a warden at Sing Sing. In an article he wrote, I think it was about two years ago, this expert on penology, this man, who for a period of over twenty years lived his life amongst the criminal element in the United States, had this to say, and I quote:

I used to believe strongly in the social necessity of capital punishment. Now, I do not. There is no room for sentimentality in dealing with the subject of capital punishment. I believe death fades into insignificance when compared with life imprisonment. To spend each night in gaol, day after day, year after year, gazing at the bars and longing for freedom, is indeed expiation.

And he further said:

Executions, like war, brutalize men; the more that take place, the greater the number there is to execute. The man about to die becomes a hero.

I do not want to take up too much of the time of the house in reading quotations but I would like to give just one more and that is from one of the greatest lawyers in North America. His name is Clarence Darrow and he took a very firm stand on the question of capital punishment. He had this to say, and I quote:

If the full details of executions could be vividly told; if men and women could visualize the horror coming from the fear and dread of this shameful and cruel death; if people could feel the agony of the days of waiting; if they could grasp every detail—all normal human beings would be so shocked to think of their part in the horrible deed as to get rid of the barbarism that inspires the desire to have some unfortunate killed by the state.

Clarence Darrow also had this to say:

No facts can be produced by anyone to show that the death penalty ever lessened murders.

That being the case, if it does not lessen murders, if it is not a deterrent to crime, then why kill? Why insist on standing by what I might term the Mosaic law? I know there are some who like to follow that law, "an eye for an eye and a tooth for a tooth", but that certainly was not the principle as laid down by Christ himself. Surely we, who boast that we are Christians and civilized, should recognize that it is not our responsibility to take the life of another. It is our responsibility only to see that those who are dangerous to society are incarcerated in such manner that they can no longer be dangerous.

I am absolutely convinced after having been of my own volition in a great many of the prisons in Canada—I was one of the very fortunate ones, for I could get out when I wanted out—that the average person fears life imprisonment and his loss of freedom a great deal more than he fears the loss of his life. I am sorry that the government could